IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 826 of 2000

in

SPECIAL CIVIL APPLICATION No 4587 of 1997

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. D.S.SINHA
and
Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AN GULIWALA
Versus
STATE OF GUJARAT

Appearance:
1. LETTERS PATENT APPEAL No. 826 of 2000
PARTY-IN-PERSON for Appellant No.
MR MR MENGDE, ASSISTANT GOVERNMENT PLEADER for Respondent No. 1-2

CORAM : THE CHIEF JUSTICE MR. D.S.SINHA
and

MR.JUSTICE J.M.PANCHAL

Date of decision: 12/09/2002

ORAL JUDGEMENT

(Per : THE CHIEF JUSTICE MR. D.S.SINHA)

#. Instant Letters Patent Appeal is directed against the judgment and order dated 6th September, 1999, passed by the learned Single Judge in Special Civil Application No.4587 of 1999 between Mr.A.N.Guliwala and State of Gujarat and another, whereby the learned Single Judge declined to interfere with the order dated 24th March, 1994, rendered by the State of Gujarat quashing the order dated 5th December, 1980 granting permission to the appellant herein for sale of the property constructed by the appellant, under Section 27 of the Urban Land (Ceiling and Regulation) Act, 1976, hereinafter called "the Act".

#. It is to be noted that the order granting permission to the appellant for sale of the property was interfered with by the State of Gujarat after a lapse of interminable period of fourteen years.

#. Mr.M.R.Mengde, learned Assistant Government Pleader appearing for the respondents, points out that the Act has been repealed and, as a consequence thereof, no permission would be required for sale of the property by the appellant notwithstanding the impugned order of the State of Gujarat setting aside the permission granted by the competent authority for sale of the property.

#. In the opinion of the Court, Mr.M.R.Mengde, learned Assistant Government Pleader, is right in his submission that in view of the repeal of the Act the appellant would not be required to have permission under the Act for sale of the property.

#. Under the circumstances, it is not expedient to examine the merits of the order of the learned Single Judge impugned in the appeal. Any and every proceeding in respect of the permission for sale under the Act shall stand lapsed.

#. Subject to what has been said above, the appeal shall stand disposed of. No order as to costs.

(D.S.Sinha, C.J.)

(J.M.Panchal, J.)

(sunil)